



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
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NOV 13 2008

Dr. Roy E. Crabtree
Regional Administrator
Southeast Regional Office
National Oceanic and Atmospheric Administration
263 13th Avenue South
St. Petersburg, Florida 33701

RE: 0648-AV61 - Final Environmental Impact Statement for Amendment 4 to the Spiny Lobster Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands, and Amendment 8 to the Spiny Lobster Fishery Management Plan of the Gulf of Mexico and South Atlantic

Dear Dr. Crabtree:

The Environmental Protection Agency (EPA) has reviewed the Final Environmental Impact Statement (FEIS) for Amendment 4 to the Spiny Lobster Fishery Management Plan of Puerto Rico and the U.S. Virgin Islands, and Amendment 8 to the Spiny Lobster Fishery Management Plan of the Gulf of Mexico and South Atlantic (CEQ #20080425). This review was conducted in accordance with Section 309 of the Clean Air Act, as amended (42 U.S.C. 7609, PL 91-604 12(a), 84 Stat. 1709), and the National Environmental Policy Act.

The FEIS examines two actions with various alternatives restricting imports of spiny lobster (*Panulirus argus*) into the United States to minimum conservation standards. The goals are to achieve an increase in the spawning biomass of the spiny lobster stock and increase long-term yields from the fishery. Minimum size limits (minimum carapace width and tail length/weight) for the spiny lobster would increase egg biomass and age/size of reproductive population, contributing to better recruitment and a larger shellfish stock. Increasing recruitment is particularly relevant for the spiny lobster because it is a shared pan-Caribbean resource that is "fully exploited or over-exploited". Minimum standards are an additional strategy to control the harvest of undersized lobsters. The latter is already controlled to a degree under the Lacey Act, but there apparently are loopholes (e.g., importation of lobster "meat" instead of intact and therefore still measurable, tails).


The FEIS identifies the preferred alternatives of the National Marine Fisheries Service (NMFS) for the two actions:

- For **Action 1**, Minimum Size Limits for Spiny Lobster Imported into the United States, **NMFS** has chosen Alternative 2, which limits **the** importation of lobster tails into the continental United States to those **weighing** at least 5 ounces plus or minus one standard deviation, **i.e.**, a range of 4.2-5.4 ounces. Compliance could also be demonstrated by a greater than 3.0-inch carapace width or a greater than or equal to 5.5-inch tail if only the tail is present. Alternative 2 also limits importation of lobster tails **to Puerto Rico** and the U.S. Virgin Islands to those having a tail weight of a minimum of 6 ounces (**i.e.**, 5.9-6.4 oz) or a 3.5-inch carapace width and a 6.2-inch tail if only the tail is present.
- For Action 2, Implement Other Import Restrictions on Spiny Lobster, NMFS has chosen Alternative 2, which will not allow the importation of spiny lobster tail meat which is not in whole tail form with the exoskeleton **attached**. Alternative 2 also does not allow the importation of spiny lobster with eggs **attached** or the importation of spiny lobster where the eggs, **swimmerets**, or **pleopods** have been removed or stripped.

Based on our review of the FEIS, EPA does not anticipate that implementation of the preferred alternative will result in significant adverse impacts to the environment.

If you have any questions, please call **Lingard** Knutson of my staff at (212) 637-3747.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John Filippelli".

John Filippelli, Chief
Strategic **Planning** and Multi-Media Programs Branch